

## REMARKS

Claims 1 and 26-28 have been amended.

The Examiner has objected to applicant's drawings under 37 CFR 1.83(a) because the S-shape of the fingernail edge having a valley and a rounded peak, the first rounded portion and second rounded portion of the rounded peak and the valley of the S-shape being in a first undulation and a peak of the S-shape being in a second undulation of opposite direction are not shown in the drawings. The Examiner has also argued that a third undulation as recited in applicant's claim 26 is not shown in the drawings.

Applicant respectfully disagrees with the Examiner's arguments. However, in order to clarify the features recited in applicant's claims, applicant has amended claim 1 to recite "a concave portion" instead of the valley portion and "a rounded concave portion" instead of the rounded peak portion. Applicant is attaching herewith annotated FIGS. 1-3 and 5 which point out the features of the S-shaped fingernail edge recited in applicant's amended independent claim 1, including the concave portion, the rounded convex portion and the first and second rounded portions of the rounded convex portion, as well as the first undulation in which the concave portion of the S-shape is located and the second undulation in which the rounded convex portion of the S-shape is located. In addition, the annotated FIGS. 1-3 also point out the third undulation that immediately follows the second undulation. Applicant believes that the Examiner's objections to applicant's figures have been obviated.

The Examiner has rejected applicant's claims 1, 3-5 and 23-29 under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The Examiner has also rejected applicant's claims 1, 3-5 and 23-29 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. Applicant has amended applicant's independent claim 1, and with respect to this claim and its dependent claims, the Examiner's rejections are respectfully traversed.

Applicant's independent claim 1 has now been amended to recite a fingernail edge, wherein the S-shape of the fingernail edge proceeds inwardly directly from the first end toward the further edge at an acute angle from the straight edge to a concave portion and then proceeds outwardly away from the further edge to a rounded convex portion, the rounded convex portion including a first rounded portion proceeding outwardly away from the further edge to a peak and a second rounded portion continuous with the first rounded portion, proceeding from the peak inwardly toward the further edge and then continuously to the second end of the fingernail edge, wherein the concave portion of the S-shape of the fingernail edge is in a first undulation and the rounded convex portion of the S-shape of the fingernail edge is in a second undulation of opposite direction to the first undulation and immediately following the first undulation.

In the Office Action, the Examiner has argued that the specification and drawings do not describe the S-shape edge as having "a valley" or "a rounded peak" including first and second rounded portions, as recited in applicant's claim 1, and that instead, the specification describes the undulations as having peaks and valleys. The Examiner has also argued that the portion of claim 1 reciting that "said valley of said S-shape of the fingernail edge is in a first undulation and the peak of said S-shape ... is in a second undulation of opposite direction to the first undulation and immediately following the first undulation" is not described or shown because the valley and peak of the S-shape is considered new matter. The Examiner has further argued that the particular undulations with respect to their supposed portions of the S-shape of the fingernail edge are not described in the specification or shown in the drawings.

In order to clarify the shape of the S-shaped fingernail edge and to distinguish the curvature portions of the fingernail edge from the peaks and valleys of the undulations, applicant has amended independent claim 1 to recite a “concave portion” instead of the “valley” and a “rounded convex portion” instead of the “rounded peak.” The concave portion and the rounded convex portion of the fingernail edge are clearly shown in FIGS. 1-2 of applicant’s drawings (see, attached annotated FIGS. 1 and 2), and the rounded convex portion is described in applicant’s specification on page 6, lines 11-21, which describe a rounded region (16B) of the S-shaped fingernail edge. Therefore, applicant believes that the concave portion and the rounded convex portion of the fingernail edge are shown and described in applicant’s drawings and specification, and do not constitute new matter.

Moreover, applicant believes that applicant’s drawings and specification also show and describe the first and second undulations of the flexible member and the location of the first undulation relative to the concave portion and of the second undulation relative to the rounded convex portion, as recited in applicant’s amended independent claim 1. In particular, FIGS. 1 and 2 show two upper undulations 21A and one lower undulation 21B, wherein the lower undulation 21B is of opposite direction to the upper undulations 21A. The upper and lower undulations 21A, 21B are described in applicant’s specification on page 8, lines 15-22. As also shown in FIGS. 1 and 2, the concave portion of the S-shaped fingernail edge, i.e. the portion of the fingernail edge between the sharp tip (14) and the rounded region (16B), is in the leftmost upper undulation (21A), which is the first undulation of applicant’s claim 1, while the rounded convex portion, corresponding to the rounded region (16B) of the fingernail edge, is in the lower undulation (21B), which is the second undulation of applicant’s claim 1 and is of opposite direction to the first undulation. In addition, as shown in applicant’s FIGS. 1-3, the

second undulation (21B) immediately follows the first undulation (21A). See, attached annotated FIGS. 1-3 and 5.

Based on the features shown in applicant's FIGS. 1-3 and 5, applicant believes that the first and second undulations and their locations with respect to the concave and concave portions of the S-shaped fingernail edge, as recited in applicant's independent claim 1, are disclosed in applicant's drawings and specification. Therefore, the limitation "wherein said concave portion of said S-shape of said fingernail edge is in a first undulation and the rounded convex portion of said S-shape of said fingernail edge is in a second undulation of opposite direction to the first undulation and immediately following said first undulation," is disclosed in applicant's specification and drawings and does not constitute new matter. Applicant's amended independent claim 1 is thus in compliance with the written description requirement of 35 USC 112, first paragraph.

The Examiner has also argued that new claims 26-29 introduce new subject matter not described in the specification or shown in the drawings. In particular, the Examiner has argued that the location of a third undulation, a rounded edge at an end of a first partial undulation and a second partial undulation, are not shown in applicant's drawings or described in the specification. Applicant respectfully disagrees with the Examiner's arguments.

In particular, applicant's FIGS. 1-3 show a third undulation, which is the upper undulation (21A) furthest from the straight edge (12), immediately following the second undulation (21B) and being of opposite direction to the second undulation. See attached annotated FIGS. 1-3. As also shown in applicant's FIGS. 1 and 2, the portion of the fingernail edge located in the third undulation extends from an end of the second rounded portion to the second end of the fingernail edge. Accordingly, applicant believes that the part of the fingernail

edge from an end of the second rounded portion to the second rounded end of the fingernail edge being in the third undulation of opposite direction to the second undulation and immediately following the second undulation is shown in applicant's drawings and in particular, in applicant's FIGS. 1-3, and thus, does not constitute new matter. Applicant's claim 26, which recites such feature, is therefore in compliance with the written description requirement of 35 USC 112, first paragraph.

In addition, applicant's FIGS. 2, 4 and 5 show the first and second partial undulations, as recited in applicant's claims 27-29. Specifically, the first partial undulation is shown in FIGS. 2 and 4 which show the area of the member approaching the rounded edge being curved or turned in an upward direction so that the rounded edge appears raised or elevated, particularly in FIG. 4. Applicant's specification further describes on page 9, lines 5-10 that the undulations formed in the flexible member give the rounded edge "a slight upward turn" when the tool is oriented right-side up, and "a slight downward turn" when the member is turned over. As also seen in applicant's FIGS. 2 and 4, the rounded edge, as a result of the partial undulation, forms a lip.

Moreover, applicant's FIGS. 2 and 5 show the second partial undulation as recited in applicant's claim 28, by showing the straight edge (12) being curved or turned upwardly so that the straight edge appears to be slightly elevated or raised in FIG. 5. Applicant's specification also describes on page 9, lines 14-22 the undulations being formed in the member to give the straight edge (12) a slightly upward turn when the member is oriented right-side up, and a "slightly downward" turn when the member is turned upside-down.

Accordingly, the features of applicant's claims 27-29, which recite the rounded edge being at an end of a first partial undulation of opposite direction to the third undulation and

immediately following the third undulation, the first partial undulation being such that the rounded edge forms a lip and the straight edge being at an end of a second partial undulation of opposite direction to the first undulation and immediately preceding the first undulation, are described in applicant's specification and shown in applicant's drawings. Applicant's claims 27-29 are therefore in compliance with the written description requirement of 35 USC 112, first paragraph.

With respect to the Examiner's rejection of applicant's claims 1, 3-5 and 23-20 under 35 USC 112, second paragraph as being indefinite, the Examiner has argued that claim 1 is unclear as to whether the peak and valley being referred to in lines 14-20 of claim 1 is part of the S-shape of the fingernail edge or a portion of the undulations. As discussed herein above, applicant has amended the terms "peak" and "valley" to "convex portion" and "concave portion," respectively, and believes that applicant's claim 1, as amended, now clearly refers to the concave and convex portions of the S-shape of the fingernail edge and distinguishes from the peaks and valleys of the undulations.

Moreover, the Examiner has argued that there is insufficient antecedent basis for the limitations "the shape" and "the curvature" in claim 1, "the part" and "the end of said second rounded portion" in claim 26, "the end of a first partial undulation" in claim 27 and "the end of a second partial undulation" in claim 28. Applicant has amended applicant's claim 1 to recite "a shape" and "a curvature", claim 26 to recite "a part" and "an end of said second rounded portion," claim 27 to recite "an end of a first partial undulation" and claim 28 to recite "an end of a second partial undulation," thereby obviating the Examiner's rejections with respect to these claims.

Claims 1 and 26-28, as amended, therefore, particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant's claims 1, 3-5 and 23-29 are thus in compliance with 35 USC 112, second paragraph, and the Examiner's rejections have been respectfully traversed.

In view of the above, it is submitted that applicant's claims, as amended, are in condition for allowance. Accordingly, reconsideration of the claims is respectfully requested.

Dated: February 27, 2008

COWAN, LIEBOWITZ & LATMAN, P.C.  
1133 Avenue of the Americas  
New York, New York 10036  
T (212) 790-9286

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anastasia Zhadina". The signature is fluid and cursive, with the first name being more prominent.

Anastasia Zhadina  
Reg. No. 48,544  
Attorney of Record

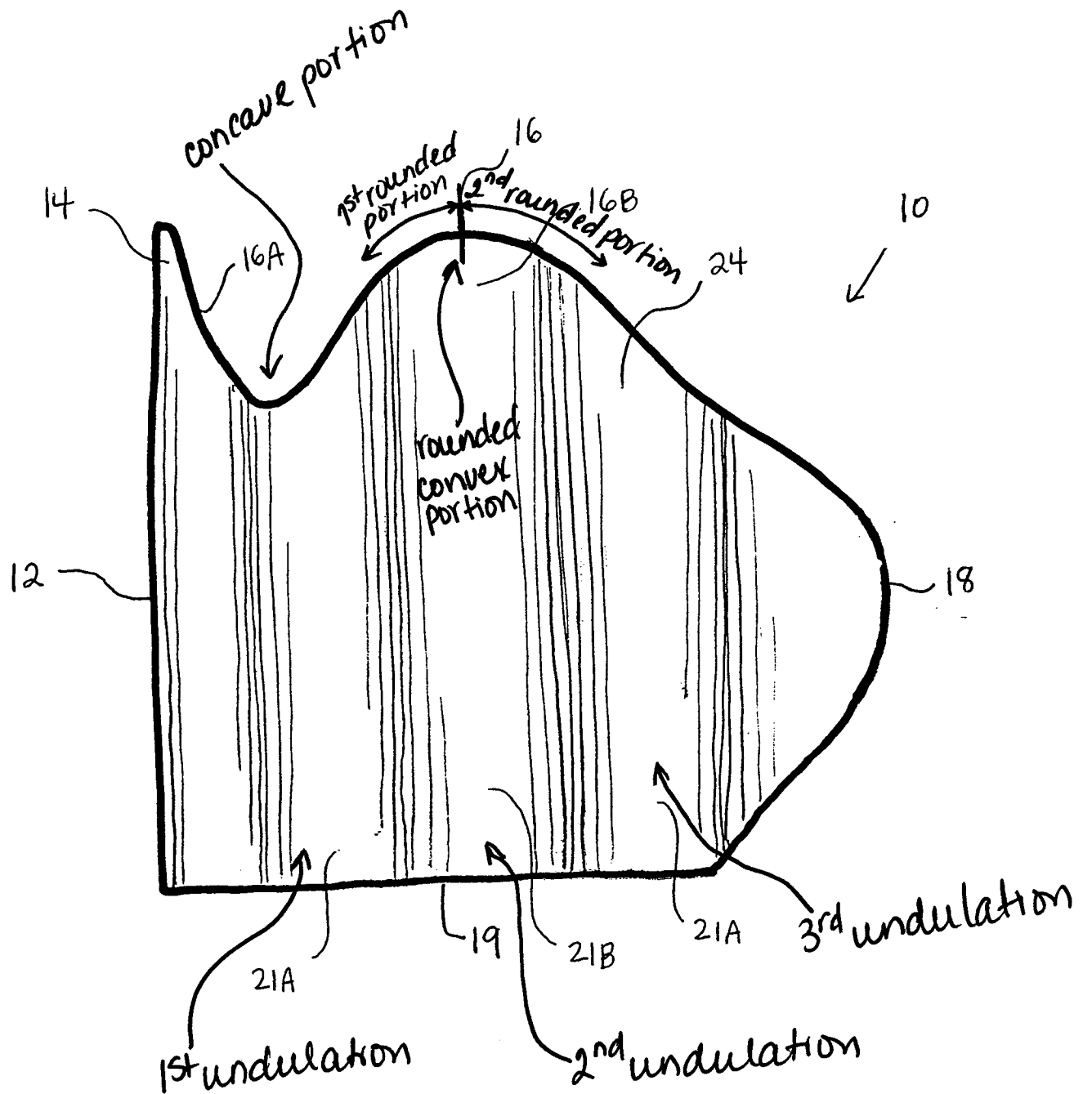


FIG. 1



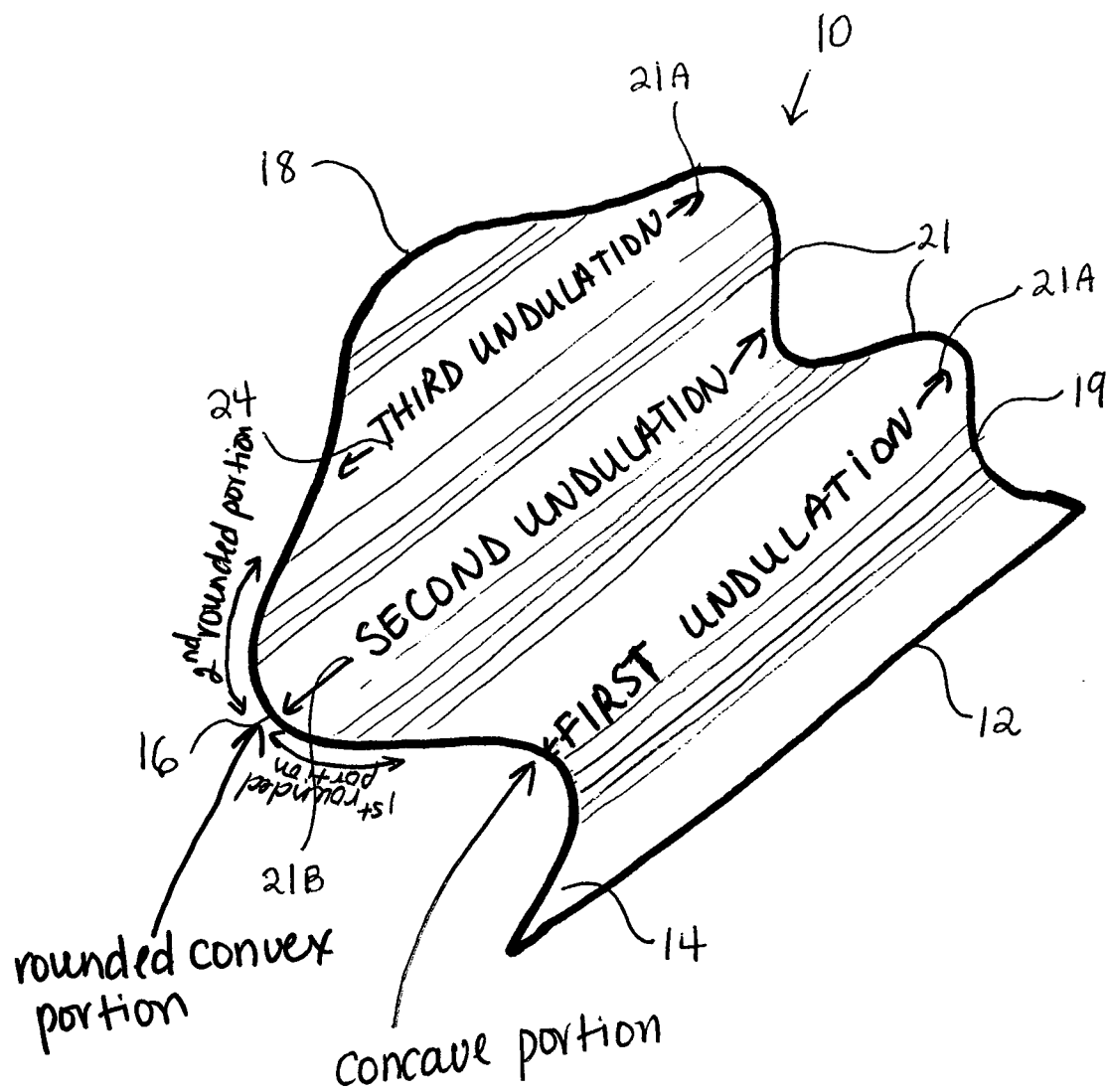


FIG. 2

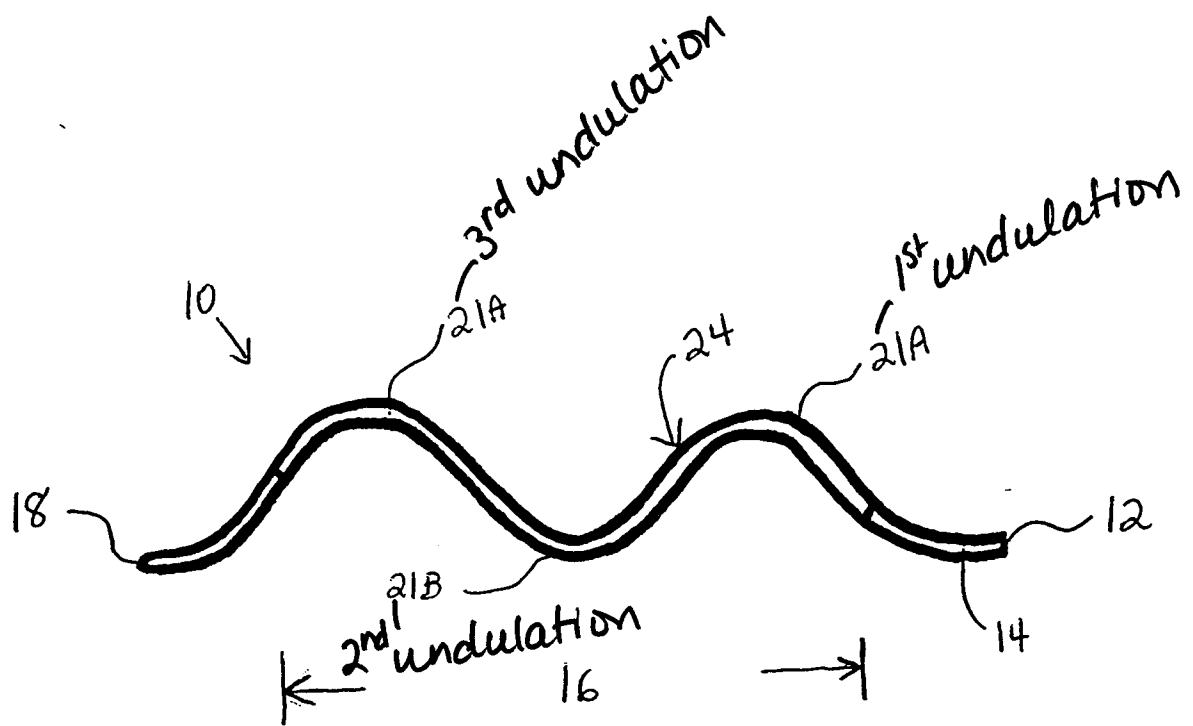


FIG. 3

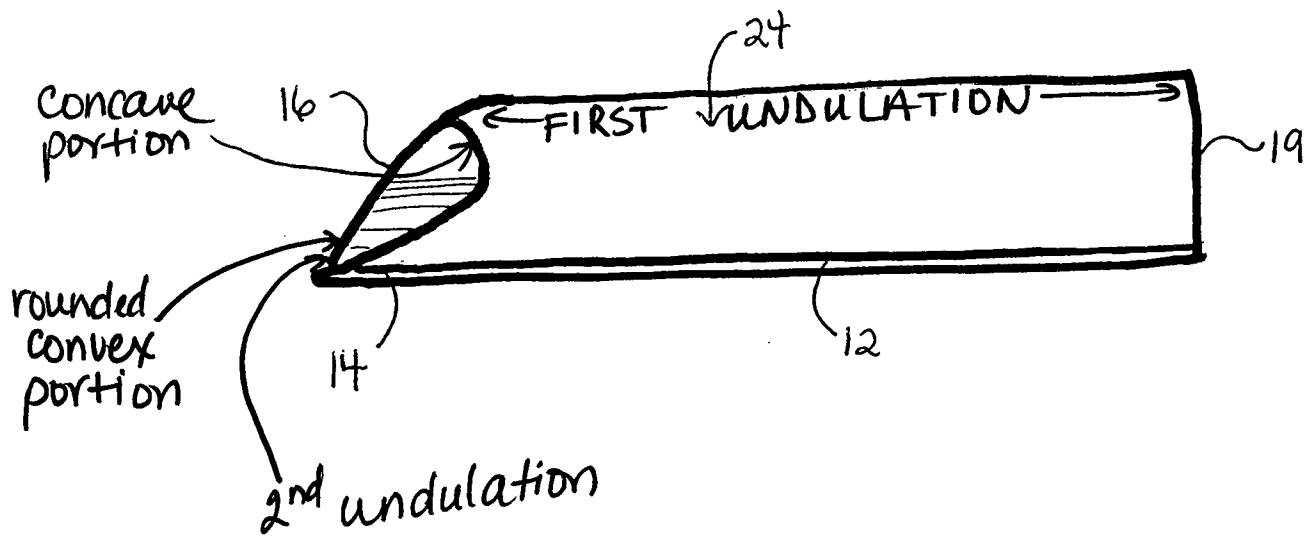


FIG. 5